

ORIGINAL

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

GWEN E. AUYONG, Pro Se
46-255 Kahuhipa St., A1202
Kaneohe, Hawaii 96744
(808) 247-9353

MAR 30 2006

at 8 o'clock and 54 min. AM
SUE BEITIA, CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

GWEN E. AUYONG,	)	CIVIL NO. 03-00629 SOM KSC
	)	(Civil No. 1RC03-1-4589 in
Plaintiff,	)	In the District Court of the
	)	First Circuit, Ko'olaupoko
vs.	)	Division, State of Hawaii)
)	
JASON K. BERINOBIS,	)	APPLICATION BY PLAINTIFF TO
	)	REMAND CASE BACK TO THE
Defendant.	)	DISTRICT COURT OF THE FIRST
	)	CIRCUIT; EXHIBITS "A-C"; ORDER
	)	REMANDING CASE BACK TO THE
	)	DISTRICT COURT OF THE FIRST
	)	CIRCUIT
In re: Issuance of Garnishee)		
Summons to United States)		
Internal Revenue Service)		
)	
Respondent.)	
)	

APPLICATION BY PLAINTIFF TO REMAND CASE BACK
TO THE DISTRICT COURT OF THE FIRST CIRCUIT

Comes now Gwen E. Auyong, pro se, and states that on November 17, 2003, this action was removed to this Court from the District Court of the First Circuit, State of Hawaii. The action was removed to this Court by Respondent, the United States Internal Revenue Service pursuant to the provisions of Title 28, United States Code, § 1441 and § 1442.

Plaintiff obtained a Judgment in 1RC03-1-4589, which was filed on September 17, 2003, in the amount of \$9,820.00. A copy

is attached hereto as Exhibit "A" and incorporated herein by reference. Plaintiff made an error in attempting to garnishee Defendant's federal tax returns, thereby causing Respondent United States Internal Revenue Service to remove the pending action to this Court.

On December 16, 2003, this court filed an "Order Directing Clerk to Issue Writ of Certiorari" to the District Court of the First Circuit to certify and transmit to this Court the record and proceedings in 1RC03-1-4589. That Order also directed the District Court of the First Circuit to no longer proceed in 1RC03-1-4589. A copy is attached hereto as Exhibit "B" and incorporated herein by reference.


On December 29, 2003, a "Stipulation of Dismissal Without Prejudice; Order" was filed in this Court. A copy is attached hereto as Exhibit "C" and incorporated herein by reference. There is no pending matter with this Court.

Plaintiff would like to enforce the judgment obtained in 1RC03-1-4589, but is unable to do so without having the matter remanded to the District Court of the First Circuit, State of Hawaii.

Accordingly, Plaintiff prays that an order be issued directing the Clerk of this Court to certify and transmit the entire record of the proceedings in this Court to the District Court of the First Circuit, State of Hawaii, and remanding the

matter back to the District Court of the First Circuit in order to further proceed in that Court.

DATED: Honolulu, Hawaii, March 28, 2006.



GWEN E. AU Yong
Pro Se